



By Authority

[PUBLIC ACT.]

An act authorising repayment for land erroneously sold by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person, or the legal representatives of every person, who is or may be, a purchaser of a tract of land from the United States, the purchase whereof is, or may be void, by reason of a prior sale thereof by the United States, or by the confirmation, or other legal establishment of a prior British, French, or Spanish grant thereof, or for want of title thereto in the United States, from any other cause whatsoever, shall be entitled to repayment of any sum or sums of money, paid for, or on account of such tract of land, on making proof, to the satisfaction of the Secretary of the Treasury, that the same was erroneously sold, in manner aforesaid, by the United States, who is hereby authorized and required to repay such sum or sums of money, paid as aforesaid.

H. CLAY,

Speaker of the House of Representatives.

JOHN GAILLARD,

President of the Senate pro tempore.

Washington, Jan. 12, 1825. Approved,

JAMES MONROE.

AN ACT authorizing the Secretary of the Treasury to adopt a new Hydrometer for ascertaining the proof of liquors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized, under the direction of the President of the United States to adopt and substitute such Hydrometer as he may deem best calculated to promote the public interest, in lieu of that now prescribed by law, for the purpose of ascertaining the proof of liquors; and that, after such adoption and substitution, the duties imposed by law upon distilled spirits shall be levied, collected and paid, according to the proof ascertained by any Hydrometer so substituted and adopted.

H. CLAY,

Speaker of the House of Representatives.

JOHN GAILLARD,

President of the Senate pro tempore.

Washington, Jan. 12, 1825: Approved,

JAMES MONROE.

By the President of the United States of America.
A PROCLAMATION.

WHEREAS a convention between the United States of America and his majesty the Emperor of all the Russias, was concluded and signed at St. Petersburg, on the fifth (seventeenth) day of April, in the year of our Lord one thousand eight hundred and twenty-four; which Convention being in the French language, is, word for word, as follows, a translation of the same being hereto annexed:

[TRANSLATION.]

In the name of the most holy and indivisible Trinity. The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries, to this effect, to wit: The President of the United States of America, HENRY MIDDLETON, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty, and His Majesty the Emperor of all the Russias, his beloved and faithful CHARLES ROBERT Count of NESSELRODE, actual Privy Counsellor, Member of the Council of State, Secretary of State, directing the administration of Foreign Affairs, actually Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary; Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honor of France. Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III. of Spain, of St. Ferdinand and of Albert of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirttemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and PIERRE DE POLETICA, actual Counsellor of State, Knight of the order of St. Vladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon, and signed, the following stipulations:

ARTICLE FIRST.

It is agreed, that, in any part of the Great Ocean commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which are not already occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

ARTICLE SECOND.

With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is

a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North west coast.

ARTICLE THIRD.

It is moreover agreed, that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the Northwest Coast of America, nor in any of the Islands adjacent, to the north of fifty four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE FOURTH.

It is, nevertheless, understood, that, during a term of ten years, continuing from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE FIFTH.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, or suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article, by their respective citizens or subjects.

ARTICLE SIXTH.

When the Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereunto affixed the seals of their arms.

Done at St. Petersburg, the 17-5 April of the year of Grace one thousand eight hundred and twenty-four.

LE COMTE CHARLES DE NESSELRODE.

PIERRE DE POLETICA.

HENRY MIDDLETON.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh day of the present month, by JOHN QUINCY ADAMS, Secretary of State of the United States, and the Baron de TUELL, Envoy Extraordinary and Minister Plenipotentiary of his Imperial Majesty, on the part of their respective Governments:

Now, therefore best known, I, JAMES MONROE, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereto, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, D. C., this twenty fifth day of January, in the year of our Lord one thousand eight hundred and twenty-five and of the Independence of the United States the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,

Secretary of State

The following Message was received from the President of the United States, by Mr EVERETT, his private Secretary:

To the Senate and House of Representatives of the United States.

As the term of my service in this high trust will expire at the end of the present session of Congress, I think it proper to invite your attention to an object, very interesting to me, and which, in the movement of our Government, is deemed on principle, equally interesting to the Public. I have been long in the service of my country, and in its most difficult conjunctures, as well abroad as at home, in the course of which I have had a control over the public moneys, to a vast amount. If in the course of my service, it shall appear on the most severe scrutiny, which I invite, that the public have sustained any loss by any act of mine, or of others, for which I ought to be held responsible, I am willing to bear it; if, on the other hand, it shall appear, on a view of the law, and of precedents in other cases, that justice has been withheld from me, in any instance

as I have believed it to be in many, and greatly to my injury, it is submitted whether it ought not to be rendered. It is my wish, that all matters of account and claims, between my country and myself, be settled, with that strict regard to justice, which is observed in settlements between individuals in private. It would be gratifying to me, and it appears to be just, that the subject should be now examined, in both respects, with a view to a decision hereafter. No bill would it is presumed, be presented for my signature, which would operate either for or against me, and I would certainly sanction none in my favor. While here, I can furnish testimony, applicable to any case, in both views, which a full investigation may require, and the committee to whom the subject may be referred, by reporting facts now, with a view to a decision after my retirement, will allow time for further information, and due consideration, of all matters relating thereto. Settlements with a person in this trust, which could not be made with the accounting officers of the government, should always be made by Congress, and before the public. The cause of the delay, in presenting these claims, will be explained to the committee to whom the subject may be referred. It will I presume be made apparent that it was inevitable; that from the peculiar circumstances attending each case, Congress alone could decide on it; and that, from considerations of delicacy, it would have been highly improper for me to have sought it from Congress, at an earlier period than that which is now proposed, the expiration of my term in this high trust.

Other considerations appear to me to operate with great force, in favor of the measure which I now propose. A citizen, who has long served his country, in its highest trusts, has a right if he has served with fidelity, to enjoy undisturbed tranquility and peace, in his retirement. This he cannot expect to do, unless his conduct, in all his pecuniary concerns, shall be placed by severe scrutiny on a basis not to be shaken. This, therefore, forms a strong motive with me for the inquiry which I now invite. The public may also derive considerable advantage from the precedent, in the future movement of the government, if being known that such scrutiny was made, in any case, it may form a new and strong barrier against the abuse of the public confidence in future.

JAMES MONROE.

Washington, 5th January.

General Assembly.

HOUSE OF REPRESENTATIVES.

(Continued from last.)

Mr. Chapeze would prefer Jackson to any man except Clay, and was indifferent between them; but he was opposed to the resolutions. The representatives in Congress are warm from the oven of public opinion most of them having been re-elected within a few months, and it was their duty to fulfil the general will. The people had a right to instruct their members in Congress on this subject; but he denied that the Legislature have any such right. He also thought it an unjust imputation on Mr. Clay to say that he will, under any circumstances, barter away the vote of Kentucky. Mr. O. Brown had a high respect for Mr. Clay; but a higher for his country. He considered this an important crisis, one in which the voice of Kentucky may make a President of the United States from the West. There could be no doubt that the contest was wholly between Adams and Jackson, and no man could say that the latter was not the choice of Kentucky. He believed our Representatives would vote for Jackson; but he was for making assurance doubly sure. Mr. Rowan was decidedly in favour of the resolutions. He had voted for Mr. Clay; but had he not been a citizen of the state and a particular acquaintance he should have preferred Jackson. In the present situation of affairs, he could have no hesitation. He passed a high encomium on Mr. Adams and a higher on General Jackson. In addition to other reasons, he preferred Jackson because he wished to break the chain of succession, and he wished there was a provision in the constitution prohibiting all heads of departments from being president. He gave his views at some length. Mr. Turner was in favour of neither Adams nor General Jackson. The former he viewed as a political apostate who had changed sides to become popular, and such a character he detested; the other he considered a dangerous military chieftain, of a bad and tyrannical disposition. After a few further remarks from Messrs. Shepherd and Robertson, Mr. Wickliffe expressed his intention to vote for laying the resolutions on the table. He repelled all intimations that Clay or his friends would barter away the vote of Kentucky. On principle he was opposed to the resolution, because it was an interference with other people's business. It was the duty of our representatives to know and do the people's will without any instructions from us. The people could not be corrupted, but their legislators might be, and therefore the state legislatures ought not to interfere between the people and their representatives in Congress. He spoke highly of Crawford; but condemned Adams because he was a political apostate, for which

character he had no respect, and he was the last man he would choose. He spoke highly of Jackson; but was not in favour of the elevation of a military chieftain, and proceeded to point out the dangers of this course, although, he said, he had no apprehensions of General Jackson. Mr. Dalloway denied, that the reason of instructions applied to this case. If it was admitted that the members of Congress knew the will of the people, this course was unnecessary; & he believed they knew the public will as well as we do. They were elected at the same time and had equal chances for knowing it. His constituents never thought of his interference in this question when they elected him and he was in favour of laying the whole on the table. Mr. Shortridge was in favour of the resolutions. He had no doubt the members of Congress knew the public will, but he would make assurance doubly sure. Mr. B. Hardin said he knew that many of our members in Congress were inclined to vote for Mr. Adams, and he believed he would get the vote of Kentucky unless this house acted. He recapitulated the strength of Mr. Adams and General Jackson, and believed the result of the presidential election depended on the vote of Kentucky, and probably on the vote of this house, on this day. Mr. Robertson added a few remarks in which he declared that the resolutions would not only degrade our respected fellow citizen, but throw Kentucky upon the electioneering area in Congress completely handicapped. He was not the advocate of Adams or any other man. He objected to this course because it was instructing our members in Congress to do that which we believe they will do. He had no doubt the people of Kentucky were in favour of General Jackson; but he was against all interference by this Legislature. Mr. Kennedy differed with his colleague; he should vote for the resolutions. He would do it because he had confidence in our members in Congress and he believed that they would vote the will of the people when they know it.

A resolution having been offered by Mr. Robertson, postponing the original resolutions until the first day of June next, the question was taken thereon and it was decided in the negative, Yeas 24 Nays 65.

Mr. Galloway moved to strike out the name of Crawford as one before whom the resolutions prefer Gen. Jackson. Crawford was his second choice and Jackson his third. The motion was negatived by a very large majority.

Mr. Cosby offered in lieu of the resolutions a substitute requiring the Governor to send on to the Senators and Representatives in Congress a list of the votes given for president in this state. His reason was, that he thought our members of Congress ought to have all the information that could be given on the subject and be left to act on their own responsibility without the interference of the Legislature. It was rejected.

The first resolution requesting our representatives in Congress to vote for General Jackson was adopted, Yeas 49 Nays 21.

Mr. Green moved to strike out so much of the 2d resolution as declares that a large majority of the people of Kentucky are in favour of General Jackson and that the representatives in Congress will truly represent the people by voting for him. Mr. Green was in favour of General Jackson; but he was unwilling to go further than to express our preference. After a few remarks in favour of the amendment by Mr. Coleman, it was decided in the negative, Yeas 34 Nays 51.

The second resolution was then adopted, Yeas 73, Nays 11.

SATURDAY, January 1st, 1825.

Mr. W. C. Williams reported the referred bill to increase the pay of sheriffs for comparing the polls for Governor, with a substitute which was adopted. It allows them two dollars per day.

The progress of the bill was advocated by Messrs. Cox, Willis and W. C. Williams, and opposed by Messrs. B. Hardin, Maupin and Summers, when Mr. Chenoweth moved to lay it in the table until the first of June. In the course of the discussion which ensued, Mr. Cox stated that he had been a sheriff, and for travelling 100 miles and remaining three days in Frankfort, he received the sum of eight dollars only. The motion was negatived, a provision operating retrospectively so as to give additional pay to the sheriffs for meeting here last August, struck out, and the bill passed.

Mr. J. G. Hardin reported a referred bill to add a part of Monroe county to the county of Allen with an amendment establishing McMillen's line as the boundary between Cumberland and Monroe counties. The amendment was opposed by Mr. L. Williams who contended in favour of the new line, so called, as the true boundary, and advocated by Messrs. J. G. Hardin, Galloway and Maupin. The amendment was adopted and the bill passed.

Most of this day was spent on private and local subjects, chiefly divorces.

IN SENATE.

MONDAY DECEMBER 27.

Mr. Dudley, from the committee to whom the bill to tax brokers was referred, reported the same with sundry amendments which were concurred in, and then Mr. Carnel moved to lay it on the table, to give time to print it before acting on it. Mr. Dudley opposed the motion, and explained the purport of the amendments. Mr. Howard opposed the bill—Mr. Chilton Allen considered the bill not well drawn for a penal law,

that from its length, &c. it was not easy to comprehend, and was in favour of the motion and printing. Mr. Dudley further opposed the motion; but it prevailed.

On motion of Mr. Beauchamp, the Senate took up the bill to amend the law concerning the Bank of Kentucky, (repealing the law requiring that Bank to pay over to the Bank of the Commonwealth, the amount of the state's stock in the former, and relinquishing the control of the state over the Bank of Kentucky.) It passed to a third reading without opposition. Mr. Beauchamp moved to dispense with the rule and pass the bill. The Senate refused to dispense with the rule.

A bill to explain the first section of an act repealing all laws allowing a replevin on contracts made after first June 1824, was read. The bill provides that officers' fees shall not be collected in gold and silver until after two years from the services performed. The bill was committed for amendment.

A bill to amend the law for the recovery of debts before a justice of the peace, passed the Senate. It provides that upon all trials before justices of the peace, and upon all trials of appeals from justices of the peace to the circuit courts, the parties respectively, may require the opposite party to answer on oath to the charge, as he may now be required to answer upon original trials before justices in sums under five pounds.

A bill for the benefit of C. N. Perkins—to authorize the Harrodsburgh branch Bank of the Commonwealth to loan him fifteen hundred dollars, to enable him to sink a salt well in the county of Casey, was read. Mr. C. Allan moved to lay it on the table until 1st of June, which motion after considerable discussion, prevailed.

A resolution passed the Senate fixing on the 31st inst. for the choice of Treasurer, Bank officers, public printer, &c.

A bill to appoint commissioners to ascertain the centre of the state, with a view to remove the seat of government thereto, was read a second time, and a motion to re-commit it discussed. It was desired to increase the number of commissioners, and it was also suggested that it would be desirable to strike out that part which authorises the commissioners to purchase 400 acres of land for a seat of government. It was referred to a committee of the whole.

A bill to repeal the law appropriating fines and forfeitures to seminaries of learning so far as relates to a number of named counties, was read. Mr. Carnel moved to lay it on the table until the first June next. Messrs Ewing, C. Allan, J. Allen and Howard advocated the motion. Messrs. Dawson, Wickliffe, Beatty, Bowman, Ward and Yancy opposed it, desirous of passing the bill as far as it relates to the counties which they represent. The motion was withdrawn and the bill committed.

The Ohio resolutions relating to slavery were taken up, and referred to a committee.

A number of bills affecting individuals or small portions of the community only, were acted on, and several passed.

TUESDAY DEC. 28.

Mr. Ewing from the select committee, reported the bill for the formation of a 16th Judicial District, (Hickman county, &c.) which was advocated by Messrs. Ewing, Lyon and T. Ward, and opposed by Messrs. Wickliffe and Hickman; and re-committed for the purpose of adding as an amendment, the bill for forming a new Judicial District in the N. E. part of the State, which was done, and the bill reported back and laid on the table.

Mr. Beauchamp asked leave to bring in a bill to regulate the salaries of the judges of the court of Appeals, and a Committee was appointed for that purpose.

The bill to establish a new county, out of parts of Cumberland, Adair and Wayne, was taken up. The blank for the name of the new county was to be filled. Mr. Selby was indifferent as to the name. Mr. O'Bannon proposed "Hancock" in honour of John Hancock. Mr. Muldrow proposed "Russell" in honour of Gen. William Russell. Mr. J. Allen proposed "Marion" in honour of the Revolutionary hero of Carolina, when Mr. O'Bannon withdrew the name of Hancock. Mr. Dudley proposed "McMillan" in honour of Col. McMillan, late of Montgomery. The latter was withdrawn; and the vote taken between "Russell" and "Marion" for the former 21, the latter 9. So it was determined the county should be called "Russell." The other blanks in the bill being filled, after a few observations against the bill by Messrs. Beatty and Crutcher, and in favour of it by Messrs. Selby and Beauchamp, the vote was taken upon its passage, and stood 14 in favour, and 14 against, and the Speaker voting in the affirmative the bill passed.

The Senate took up a resolution offered yesterday by Mr. Beauchamp, requiring a suspension until the end of this session, of the payment by the Bank of Kentucky, of an instalment of the state's stock to the Bank of the Commonwealth. Mr. C. Allan opposed the resolution. Messrs. Beauchamp and C. H. Allen spoke in favour of it. On motion of Mr. Dudley, it was amended so as to suspend the payment until the future disposition of the Legislature, instead of until the end of the session. After which a further discussion took place in which Messrs. Dudley, C. H. Allen, Beauchamp and J. Allan, supported the resolution, and Messrs. Chilton Allan and Beatty, opposed it.

The Senate determined to pass it over for the present.

The bill from the House of Representatives to provide for the sale of the vacant lands West of the Tennessee river, was read and a motion to commit the bill was discussed. The principal object of the commitment was to amend a part of the bill which permits those who have settled on the land to purchase their settlements, not exceeding two quarter sections, at the minimum price; and, if they do not purchase, permits them to retain the possession five years longer, unless the purchaser will pay them for their improvements. The discussion upon this point and one or two others occupied an hour or two; and many members spoke upon it. It was contended that the bill, in this respect, granted to intruders on the public property, privileges which they had no right to expect and were by no means entitled to; that the act of 1821, allowed them five years possession (or pay for their improvements) three years of which had expired and the bill would now add five more, for the unmerited advantage, not only of the bona fide settler, but of those who had sent families, 10, 20, or 30, on the land, in order to obtain pre-emptive rights and speculate on the Commonwealth, &c. &c. It was answered that the settlers, who had gone there, carrying with them from a great distance, the necessities of life, to subsist on until the soil could be made to produce them, had greatly ameliorated the condition of the country, removed obstacles to other settlers, and increased the value of the public property, and were entitled to peculiar favour; that to allow them pay for their improvements, was taking nothing from the public, but only giving the settlers an equivalent for the product of their labour, when it passed into other hands, &c. &c. The motion to commit prevailed. Yeas 14, Nays 12.

WEDNESDAY, Dec. 29.

Mr. James Allen, from the committee to whom it had been referred, reported the bill to amend the militia law, with a substitute, providing certain regulations for courts martial and subjecting militia men to fines for failing to appear with arms when they have them. The substitute was adopted, but the whole bill was afterwards rejected.

Mr. Beauchamp reported a bill to regulate the salaries of the Judges of the Court of Appeals; it was in blank as to the amount of the salaries; it authorizes the judges to provide a room to sit in, and provides that the first term shall be held on the [blank] day of January next, and that petitions for a re-hearing of causes decided by the late court may be presented to the new court within fifteen judicial days from the time they were decided. The bill passed to a second reading.

Mr. Carneal, from the joint committee to whom the Treasurer's letter, concerning the loss of money during the conflagration of the capitol, had been referred, for investigation of the subject, submitted a report, too long for publication in this place.

Mr. Carneal reported the bill to explain the "specie act" so called, as regards officers' fees, with a substitute which was adopted and the bill passed to a third reading, by the casting vote of the Speaker.

Mr. Dudley read and laid on the table a preamble concerning the bank of the United States, declaring its incorporation unconstitutional and its operations and effects highly pernicious to the states; and a resolution declaring that the Legislature will use all constitutional means to expel the two branches from the state.

The bill from the House of Representatives concerning the Penitentiary, (placing the institution in the hands of Mr. Scott,) was taken up, read, amended and referred to a select committee. And the Speaker laid before the Senate a communication from R. Taylor and A. F. Macurdy, proposing to take charge of the institution for one year, and presenting several different propositions for the choice of the Legislature. This and the former communications on the same subject were referred to the same committee.

The bill from H. R. to fix the seat of justice for Spencer county at Taylorsville passed the Senate.

On Motion of Mr. Flournoy, the bill further to regulate the Lunatic Asylum, reducing the number of commissioners, providing stoves, fences, &c. was taken up and referred; and afterwards reported with an amendment fixing \$50 a year as the sum to be allowed parents who keep their idiot children, which was adopted and the bill passed to a third reading.

On motion of Mr. Dudley the bill taxing brokers was taken up, amended and ordered to a 3d reading.

The 4th of January was fixed in concurrence with the House of Representatives for the election of public officers.

A bill to authorize judicial attachments in certain cases passed the senate.

The bill to amend the law concerning frauds and perjuries was read a third time, and discussed. It provides that after the 1st July next, contracts above \$50 in amount shall not be binding, unless they are in writing, and renders void securityships undertaken after the 1st July next.—Mr. Beauchamp, who introduced the bill contended that a vast number of suits arose out of disputed contracts not in writing; a vast deal of cost and time was expended in carrying on such suits, and much false swearing occasioned by such controversies, which would be avoided if the contracts were in writing. Mr. Denny opposed the bill. The first provision, he contended, would not have the effect supposed, and the other, abolishing securityships, he showed would be productive of much mischief, especially in relation to bank transactions. Mr. Crutcher also opposed the bill and pointed out the advantages resulting to the community from securities being obtained by the enterprising. The bill was rejected, Yeas 3, Nays 26.

The bill to amend the law concerning escheats, to remove some obstacles which prevent the University from obtaining possession of some escheated lands granted by Virginia before the separation, passed the Senate.

THURSDAY, Dec. 30.

Mr. C. Allan from the committee to whom the bill from the H. R. to appropriate fines and forfeitures, had been referred, reported the same with a substitute. The bill which passed the H. R. appropriates the fines and forfeitures collected in 42 named counties to lessen the county levy. The substitute proposes, that whereas in certain counties there are no Seminaries, &c. therefore, in such counties Treasurers shall be appointed who shall collect and preserve the monies, subject to the future disposition of the Legislature. Mr. C. H. Allen opposed the amendment, being in favour of the original bill. While the fines and forfeitures are appropriated to the seminaries, those only who reside in, or near the towns, participate in the benefits of the appropriation; appropriate this money to lessen the county levy and all will equally share the benefit. Mr. Beatty felt himself instructed on this subject; he had been informed by the justices of the county he represented, that formerly, the fines amounted to three or four hundred dollars a year in each of those counties; but since they have been appropriated to the seminaries, they do not exceed seventy or eighty dollars a year; this is because the people at a distance from the towns are dissatisfied with an appropriation in the benefits of which they do not participate, and therefore the fines inflicted are merely nominal in amount. The object of the legislature which appropriated the fines to the seminaries was to improve the morals of the community; that object having been defeated in some counties in the manner alluded to, the law should be so far repealed. Mr. C. Allan protested against the argument that the benefit of the appropriation was unequal; it was an argument equally applicable to every measure designed to promote education, it was impossible from the nature of things, that the benefits of education could be equally distributed. The amendment was rejected, and the bill was amended by adding five more counties, and striking out one, and passed.

On motion of Mr. Denny, the resolution from the House of Representatives, protesting against the decisions of the Court of Appeals in the cases of Blair and Williams, &c. (the same heretofore passed the Senate) was taken up and concurred in, ayes 18, noes 10. The question then occurred on concurring in the preamble, the reading was called for and commenced. Mr. C. Allan moved to strike out that part of the preamble which declares that the judges of the Court of Appeals had pronounced a decision, annulling, in effect, the laws of this state in relation even to the occupying claimants of lands, (that is to strike out the words in italics wherever they occur) and said that it had been ascertained that this statement of the preamble was false; and he trusted the Senate would not pass a resolution containing an allegation known to be untrue. Mr. Denny wished to know whether, if the clause was stricken out, the mover would not vote for the preamble. He understood the gentleman to be opposed to the whole proceeding; and what right has he to amend the resolution, which in any shape, he would oppose? How, he asked, has the gentleman ascertained that this allegation is false. We are not to take the response of the Judges as evidence on this subject. Their decisions are before us, and we are the interpreters of those decisions. Mr. Allan replied; the gentleman was right in anticipating his opposition to the preamble when amended. He thought it erroneous in fact and argument throughout and should therefore vote against it. But he had never understood that a member was not at the liberty to propose amendments to propositions to which he was opposed. He had ascertained by an examination of the public records of the country and not merely by a reference to the response, that the allegation proposed to be stricken out was wholly untrue. Mr. Denny explained; he had not intended to deny the right of the gentleman to propose an amendment to the preamble which he intended still to oppose, but questioned

the propriety of it. Mr. Beauchamp contended that the court had, in effect, declared the occupying claimant law unconstitutional; such was the consequence of their opinion that they were bound by the decisions of the Supreme Court of the United States, and of their decisions, that right and remedy are the same thing. &c. Mr. Beatty called on the gentleman from Jefferson (Mr. Denny) for proof of the fact, that the Court of Appeals had, in effect, invalidated the occupying claimant laws.

The question was then taken on striking out so much as relates to the occupying claimant laws and decided as follows:

Yeas—Messrs. C. Allen, Beatty, Bowman, Davidson, Faulkner, Flournoy, Howard, Muldrow, and James Ward—9.

Nays—Messrs. C. H. Allen, James Allen, Ballinger, Burgett, Beauchamp, Dawson, Denny, Dudley, Ewing, Forsyth, Hughes, Lyon, Macoun, Mayo, W. B. O'Bannon, Selby, T. Ward & Yancy—18.

After which the reading was finished.—Mr. Beatty opposed the adoption of the preamble in a speech of considerable length, contending that it was inexpedient, and calculated to continue and increase public excitement, &c. Mr. C. Allan made a few impressive remarks upon the impropriety of the adoption by the Senate, while acting under their oaths, of a resolution containing, as he contended, a statement and charge against the Judges which was wholly untrue.—Messrs. C. H. Allen and Hughes, each argued that the effect of the late decisions were such in fact, as the preamble stated; and that the court, to be consistent, would have to decide the occupying claimant laws unconstitutional. Mr. C. Allan replied; that the gentlemen yielded the question when they had admitted that the judges had not yet decided that those laws were unconstitutional and only contended that they might so decide. The preamble was then adopted—Yeas 21, Noes 10.

FRIDAY, Dec. 31.

Mr. Macoun reported a bill for the construction of a canal at Louisville.

Mr. Beatty reported the referred bill for the sale of the lands West of the Tennessee river, with amendments which were adopted, and it passed, 26 to 6.

Mr. Beauchamp reported the referred bill concerning occupying claimants, which passed to a third reading.

The bill to fix the salaries of the Judges of the Court of Appeals, after a variety of motions and much discussion, passed to a third reading. The reply to the Response of the Judges from H. R. was taken up and the resolution with which it concludes affirming the power of the Legislature to remove Judges for error of opinion, was adopted, Yeas 29, Nays 2.

SATURDAY, Jan. 1.

The resolution from H. R. for a final adjournment was taken up, the 7th inst. struck out, and it was laid on the table until the 8th.

After some further proceedings, the reply to the Judges' response was taken up; and after a variety of proceedings which we intend hereafter to notice, it was adopted, Yeas 23, Nays 10, and 1500 copies ordered to be printed.

From the Argus.

OUR FORM OF GOVERNMENT.
Our constitution divides the government of Kentucky into three branches, the Legislative, Executive and Judicial. It is the business of the Legislature to make laws, of the Executive to superintend their execution, of the Judicial to judge of their meaning and apply them to particular cases. The Judicial power extends to judging over life, liberty and property. Of these the most important is life, the next in importance is liberty, and the least important is property. The constitution says:—"The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the General Assembly may from time to time erect and establish."

Immediately after the adoption of the constitution the Legislature passed acts establishing a court of appeals and inferior courts, and directed in what manner "the judicial power" should be divided between them. To the inferior courts they gave the power of determining in the last resort, all questions concerning life and liberty, and also of adjudicating in the first instance, on all questions concerning rights of property. To the court of appeals they gave only the power of determining appeals in questions involving the right to property. All these courts together constitute the judiciary department of our government. If one portion of that department be more important than another, it is that which has the power of adjudicating finally on all questions involving, life and liberty, and in our present system this is the Circuit Courts. The court of Appeals can take jurisdiction of nothing but the rights of property, and is therefore a less important and interesting portion of the Judiciary Department.

But our Protestors consider the Court of Appeals the whole Judiciary Department of the government. Because a change is effected in the Judges who sit on the bench of that Court, they declare, that the rights of life and liberty are in danger, when they well knew, that the Judges of that Court, whether bad men or good, have nothing to do with such rights and never had. Final jurisdiction of all such questions is vested in the Circuit Courts. But these tribunals, who adjudicate finally upon the whole penal code, are not allowed, by our Protestors to be any part of the Judiciary department. They say, "the convention who formed the constitution, have not thought proper to leave to the Legislature the power of creating or destroying or modifying or changing the three great departments of the government." &c. But they also say "the Legislature may abolish the circuit courts." Hence, these gentlemen deny that those tribunals which have the power of life and death of liberty or servitude, form any part of "the three great departments of the government," and admit that they have been left wholly within the power of the Legislature, while that Court which can only decide rights of property in the last resort, is declared to be the whole Judiciary department, sacred and intangible! Four Protestors be right, the convention considered the right of property more sacred than those of life and liberty! They deem a property so sacred, that it must be put beyond the reach of legislative power, while life and liberty are left to their unbridled control. Is this the true doctrine of our constitution? Did our fathers fight and bleed merely to secure the establishment of an irresponsible tribunal to decide the rights of property? Is property of such transcendent importance, that it was necessary to erect a separate department of the government for its security, while life and liberty were counted of too little consequence to be embraced in its protecting arms?

No man in his sober senses will deny, that these tribunals which have the power of adjudicating in the last resort over the lives and liberties of the people, are a part, and the most essential part, of the Judiciary department of our government. All admit, that the Legislature may abolish those tribunals at their pleasure. This is an admission, that the Legislature may abolish or modify a portion of

one of "the three great departments of our government." Our Protestors therefore, while they maintain a bold face, actually give up the question. They admit that the Legislature may overturn or modify that portion of the Judiciary on which hangs their lives and liberties; and will any man believe that the constitution has made that on which hangs the rights of property more inaccessible or secure? The first acts ever passed in relation to the Court of Appeals, were entitled "an act establishing the Court of Appeals." It was passed at the first session of the Legislature after the constitution was adopted, by a portion of these very men who had composed the convention. Will it be said that they knew not what they were about and misnamed their act? Fully alone will make the assertion. It is evident, that in their opinion, the constitution simply required them to establish a Court of Appeals and inferior courts, and to maintain the one in continual existence against as much as the other; that they must establish and maintain one supreme court, to be styled the Court of Appeals; but that they might make it consist of two Judges or ten, enlarge or curtail its jurisdiction, repeal and remodel the whole system, make it the duty of the Circuit Judges to hold it, or do any other act, so that they always maintained a court of Appeals and inferior Courts. One is just as much a part of the Judiciary Department as the other, and the Judicial power vests as well in the one as in the other. There now exists a Court of Appeals and inferior Courts; the system of government is entire; the requisitions of the constitution are complied with; the judicial department is not overturned, nor is any part of it. Though it may be unpleasant to some minds, we cannot help remarking, that this exclusion of these tribunals which protect life and liberty, from the judicial department, and making it consist only in that which protects property, reminds us of Shylock in the Play. His bond he valued higher than the life of his fellow-citizen, and so our Court Party give the protection of property a precedence to that of life and liberty.

JONESBOROUGH, (T.) Dec. 3, 1824.—An aggravated case of murder occurred in this county, on Saturday last, on Indian Creek, about twenty miles south of this place. The name of the man killed was Higgins—that of the murderer, David Green, who for perhaps the last twenty years had lived secluded from society, near the top of the Bald Mountain, 31 or 32 miles south of this place.

Higgins, at the time of the murder, was under arrest, attended by Wm. S. Erwin, constable, and a Mr. Cooper, who were conducting him to a justice of the peace for trial. The cause of the quarrel was some trivial matter, the particulars of which it is unnecessary to relate. Green had shot from a place of concealment near the road, at Higgins, and missed his aim; after which he got ahead of the party, unperceived, and waited in a waste on the road, until they came up, when he shot Higgins dead on the spot. The highest credit is due to Mr. Erwin for the intrepidity displayed by him in arresting the murderer.

Upon seeing his prisoner fall, he immediately burst open the door of the house where Green had concealed himself, and attempted to arrest him. A violent scuffle ensued, the hermit's great strength rendering him a fearful enemy. Besides his rifle, he had armed himself with an axe, and after fighting for some time with the former, which, from the lowness of the joist could not be used to advantage, he then strove to get hold of his weapon. In this attempt, Erwin, with a small cudgel, twice knocked him to his knees; yet still apprehensive that his purpose might not be effected, he directed Cooper to shoot him. Cooper fired and wounded him in the hand, when he submitted and was secured. Notwithstanding the hurry and confusion of a scene so appalling, Erwin's resolution and self-command appear not to have for a moment forsaken him. On the next day the murderer was safely lodged in the jail at Jonesborough, there to await his trial. It has been thought for many years past that he was the subject of a slight mental derangement.

Nat. Intelligencer.

New Minister to the United States.—It is mentioned in the London papers, that the Right Hon. W. Vesey Fitzgerald will repair, early in the spring, to the United States, to take on himself the duties of Minister Plenipotentiary. The following facts relating to this gentleman, have been politely handed to us.

The Right Hon. W. Vesey Fitzgerald, lately appointed Minister to this country, has from early life, formed part of the administration; he has for many years represented the county of Clare (of which he is a native) in Parliament, and succeeded Sir John Newport as Chancellor of the Exchequer for the Irish department; he always sustained the reputation of an able, efficient, and liberal man, having with great ability advocated Catholic emancipation and those liberal principles of common sense, lately so fully acted on. Upon the merging of the Irish into the English Exchequer, Mr. Fitzgerald was appointed his Majesty's Minister to the court of Sweden.

Nat. Gaz.

Extract of a letter dated "Macon, (Geo.) Dec. 26—8 o'clock, P. M."

"I have just time to inform you that the Branch Bank of Darien, in this town, took fire about an hour ago, and the Bank, with all the money and papers, are destroyed. Among them was about \$7,000 in collection notes, about \$130,000 in money belonging to the bank, and about \$5,000 or \$6,000 in the bills of the Hamburg Bank which were deposited. It is not yet known how the fire originated; but I think it must have been through accident. The greater losers are the owners of the building, Messrs. Holderness and Bryan."

Nat. Journal.

The bill "to abolish imprisonment for debt," was yesterday rejected in the Senate of the United States, by a majority of three votes. Five

members of the Senate were absent on this vote but it is not supposed that their presence would have varied the result. On the abstract question of the expediency of relieving the body of the honest debtor from imprisonment, we believe there is no difference of opinion in the Senate. The only question is as to the details of the measure. Its interference with established practice and its repugnance to deep-seated prejudice—these objections may be overcome, if a bill on other accounts unobjectionable, could be devised. We are not disheartened, for our part, by the present defeat of this measure. There remains no doubt of its ultimate success. By every discussion, the objections to its passage will become more apparent and tangible, and, of course may be more easily met. We think it probable that, ultimately, the measure will connect itself with some general bankrupt or insolvent law, the want of which at present is a reproach to our system. Every honest debtor ought to be absolved from his debts—not pre-existing debts, but debts hereafter to be contracted—on his delivering up, for the equal benefit of all his creditors what ever property he is possessed of. We do not know what more severe punishment of his debtor the hardest creditor could desire, than to strip him and his family of all their worldly gear and turn them naked out of doors. Yet this is all the mercy which even a humane bankrupt or insolvent system asks for the unfortunate debtor. We do not see, that, in devising such a system, we are under any obligations to copy those objectionable features of the British Law, which have made its expediency questionable. Our government was at the time of its establishment, unique; we do not know why we may not have an insolvent system, as we have a Constitution, *sui generis*. We consider this whole subject, however, as being, by the decision of the Senate yesterday, deferred to the next Congress.

Nat. Intelligencer

There was a vote taken yesterday in the House of Representatives, which we regard as a favourable augury of the success of the bill for the continuation of the Cumberland Board. We refer to the vote, by a majority of ten to fill the blank in the bill with the sum of 150,000 dollars.

The house was full, and we consider the vote as almost decisive of the success of the bill. The vacant places and privileged seats of the Hall were crowded with ladies, and the gallery was filled with the lords of creation, attracted by the expectation, apparently, of hearing Mr. CLAY speak on the occasion—in which expectation, it will be seen, they were not disappointed.

Among the numerous auditors that crowded the Hall of the House of Representatives yesterday, to hear the speech of Mr. CLAY, we observed General LAFAYETTE and Son. By the way, we perceive by the Richmond papers that it was expected the General would leave this city for the Virginia metropolis, on Friday last, and that he would (on his way) dine at the Hanover Court House this day. This anticipation we regret to see, was so confident that a public invitation appeared in the last Enquirer to all the Revolutionary officers in the neighbourhood to repair to Hanover Court House to-day to dine with third old companion in arms, the National Guest. We regret the disappointment they experienced, as Gen. LAFAYETTE is yet in this City. We understand, however, that he will set out in the course of the present week to visit Richmond, in compliance with the flattering invitation of the General Assembly of the Commonwealth, now in session; but as, in the present state of the weather, the roads to Fredericksburg, &c. must be nearly impassable, it is probable the General will make the journey by water, if the stoppage of the steam-boat do not prevent it.

Nat. Intelligencer.

SHIP BUILDING.—It is stated that the Mexican Republic is about appropriating eight millions of dollars to build a navy; and that the Republic of Columbia, and the government of the Brazils, propose to make large appropriations for the like purpose. That it will be the interest of these states to build their ships in this country, is in fact not to be doubted. That we build better ships than any other nation of the world, is now fully admitted by men of naval science in every country of Europe—better in beauty of model, in material, in sailing and more easy to work in both light and heavy weather, than any other ships now afloat on the ocean. For the purpose of ship-building, the port of Baltimore is admirably adapted; our artisans, in every branch connected therewith, are not excelled, if equalled, on earth; our facilities for procuring the very best materials, are extensive and various; and there is reason to expect from all these circumstances, that some, at least, of the vessels to be built or the new governments of the south, will be constructed in Baltimore.

That England has hitherto had the character of building fine ships is true, but that she has of late years yielded the palm to the United States, is equally certain. When the *Franklin*, 74, first visited an English port, she was the admiration of every beholder, and several artisans there requested permission to take a model of her. Since that period, the English have endeavoured to build some ships after the American model, but they have not succeeded.

Their ships do not sail or work so well as ours; nor have they that mass of excellent materials for their construction and durability, which the extensive live oak and cedar forests of the United States furnish. It is right that the new governments should be fully apprised of these circumstances, and we make the statement in good faith, with a sincere wish to serve them, as well as in justice to our country, and to those artisans and mechanics who, for ability, intelligence, and industry, leave all the competitors of other nations far behind, and amongst whom, numbers of the very best are to be found in Baltimore. (Balt. Fed. Gaz.)

FIRE.—On Tuesday morning last, about a hour before daylight the citizens were alarmed by the appearance of fire in the country in a Southern direction. The unfortunate sufferer, turns out to be Mr. William Cook, living a mile from town, near the Hickman road, on Col. Beards plantation. All his furniture with the exception of three beds was destroyed, with the addition of a large quantity of Bacon and other provisions. It was with the utmost difficulty his youngest child was saved, in the effort to accomplish which, father and child were both burnt considerably, but not dangerously.

In the present change of the Season, when winter has at last set in, they will need, and we hope will receive the assistance of the charitable.

DESHA'S TRIAL.

This all exciting trial was brought to a close on Monday last, by a verdict from the jury of GUILTY. Judge Shannon, who presided, has granted a new trial on motion, on the grounds, that there were persons who had access to the jury after their retirement improperly; that threats had been made of personal violence against the jurors, and they were intimidated. (These threats were made by one or two anonymous letters, thrust under the door of their room; and by persons outside the house.) Also on the ground that the sheriff remained a part of the time with the jury, in their retirement improperly; and on the general and most important ground, that the verdict was not warranted by the evidence of the case. These are such grounds as no Judge could disregard, with the least respect to justice or precedent; and in granting a new trial, Judge Shannon has shown his firmness and uprightness.

We believe the general opinion is unfavourable to the prisoner in this case. But however strong may be the evidence against him, he is entitled to a fair trial. His friends cannot ask more, nor could his enemies grant less.

CONGRESS.

We received yesterday a report of the committee in the H. of Representatives of which the Hon. T. P. Moore is chairman, relating to the affairs of the Deaf and Dumb Asylum in Danville, and elsewhere which shall be published in our next.

The bill before the House of Representatives for the relief of the sufferers on the Niagara frontier during the late war, passed that body by a majority of 54 votes.

An act has passed the Senate to amend the present law for the government of the Michigan territory. MEXICAN BOUNDARY.—Documents have been laid before Congress, by which it appears that the Republic of Mexico has recognized our Western boundary, as established in our treaty with Spain. We should think it most wonderful, if there should be any difficulty in their agreeing to a bargain so much to their advantage.

DOMESTIC MANUFACTURE.—The Secretary of the Navy, in a report to Congress says that the reason why American *Cannons, Cables and Cordage* are not used in the Navy, is because they are inferior in strength, durability and colour to the imported. That the deficiency in our articles is produced by the hemp being sown too thin, not being well or properly, and not prepared with sufficient care. He thinks these objections can be easily removed. The bill for the relief of the Columbian College passed the Senate on the 19th Jan.

MR. WICKLIFFE'S ADDRESS.

This gentleman, who is so continually before the public in the shape of lengthy speeches, or addresses, has again made his appearance, in eleven columns of the Reporter. We are sorry that the fatiguing length of this production will prevent the people from reading it. It would be productive of good in the minds of the people, who certainly have no reason to justify them in shutting their eyes to truth, when their own interests are to be sacrificed, if they mistake error for it. The overboiling venom which flows through it; the mistatements with which it is crowded are the natural result of of the unsuccessful issue of his late Legislative campaign, where the only instance in which he had any chance of succeeding, in his views would have added Fayette county with a tax of 100,000 dollars. He wisely waived the opportunity which was offered him, and came out a cypher.

The only notice which we wish to take at present of this laboured production, is to correct a falsehood which it contains in relation to that Goblin of the writers imagination, the Governor. In speaking of the burning of the Capitol, he says, "The fire commenced on the cupola and burnt slowly and gradually to the ground, and strange to tell, although the Governor was on the ground from the time the fire was first discovered, he permitted nearly the whole of the public arms, and a vast amount in books and other property, to be burnt without giving an order to remove them, or so much as advising the by-standers that they were in the building notwithstanding the fire did not reach that part of the building in less than half an hour after the Capitol was known to be on fire."

The truth is about as follows. The Governor was, as Mr. Wickliffe says, about the first on the ground, and also about the first on the Auditors Office endeavouring to save it from the fire, in which he succeeded. He then proceeded to the Arsenal in the State House, and with the assistance which he collected, broke open the door, commenced with his own hands to carry out the arms; nor did he cease his violent personal exertions for saving the arms, until the fire began to fall through the ceiling of the room in which they were deposited, on him and his assistants. All the arms, (and there were some hundreds) which were saved, were saved by the Governor in person, and those whom he collected to his assistance.

Such petty slanders will be treated with the contempt which they merit; and not a little of the same reward will be bestowed on their author.

OUR COURTS.

The following letter we received from Frankfort under date of the 27th January. The writer is no doubt responsible for its contents.

In addition to what is said in this letter, we will expose on undoubted authority, the ground which a conspicuous court party man of Frankfort and another of Lexington, publicly avowed in conversation last week. They contended that the late court of appeals was a purely *Constitutional* court, not dependent on the Legislature even for its organization. They were asked whether it could have existed without a Legislative act. They replied that the Governor himself, could, without any Legislative interference have commissioned the Judges of that court, and

established its jurisdiction. What absurdity may we next look for from that quarter? They find that their only ground is shaken when the Legislature is proven to have authority for organizing, and of course re-organizing that Court; and in order to get over it, they give to the Executive, a power which would exceed any thing ever imagined by the People.

FRANKFORT, JAN. 27, 1825.

DEAR SIR:

You have doubtless seen in the last Argus, that Messrs. Boyle, Ousley and Mills arrived here on Saturday last, and left this on Monday for Lexington. They were there joined by Mr. B. Mills, and it is said, held a Caucus, which was attended by Mr. R. Wickliffe and many other choice spirits of their party, and when no doubt, this day's solemn force was most solemnly decreed. On yesterday evening those ex-Judges returned to Frankfort, and about 11 o'clock this morning were followed by Messrs. R. Wickliffe and R. H. Chinn of Lexington, and P. Butler of Versailles.

At twelve o'clock the bell tolled, like the knell of departed Ghosts, and Messrs. Boyle, Ousley and Mills were seen issuing from their chambers in the Mansion House, and moving slowly towards the Old Bank of Kentucky, followed by a procession of Court Party lawyers and other partisans, together with many others who joined them from mere curiosity. The lawyers in Frankfort, who believe the re-organizing law constitutional, with the exception of Colonel Sharp, kept aloof from this mock Tribunal. And understood that Colonel Sharp said he would attend merely as he would go to any other Show where they made no charge. As soon as those ex-Judges reached their old seats in the Bank of Kentucky, Mr. Boyle directed court to be opened, which was done by Mr. James Taylor. He then directed the orders of the last day of the late Term to be read, which was accordingly done by a deputy Clerk and signed by Mr. Boyle. He then, addressing himself to the gentlemen of the bar, stated, that the court had not met with an intention of entering upon the docket, or doing business—the late act of the Legislature perhaps rendered it inexpedient, perhaps improper; but if any gentleman wished to make any motion, the court would hear him. Mr. Crittenden then rose and remarked, that it was not usual with the bar to expect any business to be done on the first day of the court met; he had some motions he intended to have made, but that it was not a matter of any consequence whether made during the term.

The court then directed the clerk to enter on record the adjourning order, and having signed it, the officers of the court proclaimed the court adjourned until "court in course," which will be the first Monday in April. Mr. Sneed, the clerk of the court did not personally attend—he sent one of his deputies, Colonel Richard Taylor, the sergeant of the Court of Appeals attended in person. James Taylor, one of the deputies, opened the court, and L. J. Fenwick, another adjourned the court. Commentator.

Shortly after this, I am informed that some persons met with two gentlemen, one from Woodford & the other from Fayette, who had come down to get a supersedeas in an important case from the Bourbon Circuit Court. They had submitted their record to Mr. Crittenden on yesterday, or some time previously, and they were asked why Mr. Crittenden had not made a motion in their case today for a supersedeas, and they answered that he had determined to apply to the new Judges for a supersedeas. They were then asked whether they had requested Mr. Crittenden to obtain their supersedeas from the new court; to which they replied, that they had left the case entirely with him. After this determination of Mr. Crittenden, why did he make the observations before the ex-Judges about *Motions*? Would it be too harsh to say he was playing a part in support of Judicial Tyranny, which is condemned by his better judgment!

But how shall we account for the conduct of those venerable ex-Judges, who declared that the court had not met with an intention of entering upon the docket, or doing business; BUT IF ANY GENTLEMAN WISHED TO MAKE ANY MOTION, THE COURT WOULD HEAR HIM? Did they intend to hear motions and refuse to grant them? or did they intend to grant them and carry them into effect? How and by whom did they intend to coerce their authority? Did they not know that both Mr. Sneed and Col. Taylor had refused to do any official acts, since the passage of the law reorganizing the Court of Appeals, and that Col. Taylor only consented to perform the ceremony of opening and adjourning court, for the purpose of getting his claims for the last Term certified?

When I reflect seriously upon these things, in my opinion, this whole affair bears a strong resemblance to that which was played off upon the people of Rome, by Julius Caesar, Mark Anthony and their retainers, about the crown which Anthony offered Caesar. But it was necessary in order to support the tottering throne of those KENTUCKY CAESARS, that Mr. Crittenden should offer them a Crown of *MOTIONS*? This will make an excellent prelude to "FORTY THOUSAND BAYONETS."

These ex-Judges and their supporters must certainly think the people of Kentucky fools, who cannot even tell their right hand from their left, or they would lay deeper plans than this to gull and cheat them out of their rights!

Yours &c.

FOREIGN SUMMARY.

GREECE AND TURKEY.

The campaign in Greece may be considered as nearly closed, and never was there a more protracted contest more honourable to a people than to the Greeks. They have recently been successful on shore as well as at sea; and such are the paralyzing effects of their victories on their brutal enemies, that the Turkish empire may be said to be shaken to its base.

By advices from Constantinople dated the 21st of October, it appears that the city was in the greatest consternation. The Greek fleet was at the mouth of the Dardanelles, and have consequently cut off the supply of corn and provisions. An insurrection must be the inevitable result, and the life of the Sultan very probably sacrificed.

It is very certain that the Turkish and Egyptian fleets have been completely defeated. That the loss of sailors cannot be recovered by either power, if they could replace the vessels; that the Greeks can blockade Alexandria as well as the Dardanelles, and by that means place both powers in a situation of extreme difficulty and peril.

It is also true that the Turks have not evacuated Moldavia and Wallachia, and that in consequence the Russian Minister at Constantinople has refused to assume his character as such. The Russian army on the Turkish frontier is also strongly reinforced. These circumstances shew an approaching crisis in the Turkish affairs, which we trust will lead to the downfall of that bloody Empire, and the establishment of Christianity and freedom on its ruins.

SOUTH AMERICA.

The accounts from Bolivar are as contradictory as ever, and leave us in a state of uncertainty. The success of the naval patriot force at Callao is undoubted; and strong rumours, since received add to the list of Spanish losses the Asia 74, and a brig of war, lately arrived in those seas. On land, more than one battle has been fought, and we trust with success to the patriot cause; but the particulars are not known.

IMPORTANT AND LATE FROM PERU.

General Cortez, who came passenger in the schooner Lewis, from Alvarado, has kindly favoured us with the following authentic intelligence from Peru:

Mr. Santamaria, the Columbian Minister resident in Mexico, had received accounts from Callo of the 31 of November brought to Acapulco by the brig Pallas, Captain Henry Bermond, from Guanchaco, a port in the province of Trujillo. Bolivar's head quarters were at Andaguailas, on the road to Cuzco, on the 16th of Oct. having defeated Canterac in Guamanga and Rio Pampas. Of 8,000 men that composed Canterac's army, 1300 had united, and were retreating towards Cuzco, to join the remains of La Serna's forces, who had been defeated in the neighbourhood of Charcas, by the army of Buenos Ayres. This army had taken possession of the provinces of Potosi, Cochabamba, Oruro, Puno, and Santa Cruz de la Sierra. Bolivar himself writes to Mr. Santamaria, assuring him of the speedy termination of the campaign as a Chilean army was marching from Arica to join that of Peru and Buenos Ayres. The reinforcement from Carthageno, St. Martha, and Panama; whence also had been shipped a million and a half of dollars for the army in Peru. Lima was occupied by the Patriots and Callao was blockaded by sea and by land, by the combined land and naval forces, the latter being under the command of Commodore Blanco, of the Chilean service.

Extract of a letter from France dated Nov. 15.

"The King continues to please; he can ride, and that is a great deal. His government is also becoming more popular every day, and I think deservedly so."

The St. Domingo deputies were sent off some time since, but there is reason to believe this government will come to an understanding with the people of that Island before long.

There has been much talk, of late, of the disadvantages of our convention with France, but I hope all will end in talk.

I lately mentioned that I thought it would be good policy to admit the low French wines free of duty. It would please on this side, and, what in its effect would be of more consequence to us, furnish a substitute for spirits, of which our people drink too much.

Nat. Intelligence.

For the Kentucky Gazette.

GEN. MCALLA—

Mr Robert Wickliffe, in his speech made in the last Legislature to defeat the change of venue in the case of Isaac B. Desha, states "I thank God, that no act of the kind ever had my vote. I do not say that a case of the kind may never exist, that would justify a removal, but I will say that I verily believe a case of the kind has never yet existed. Indeed, sir, your constitution (all things aside) is at war with the practice." How short is the memory of man! How glaring is the inconsistency of party phrenzy, when it pretends to be governed by principle. Was not Robert Wickliffe the lawyer of John Williams in the year 1823, when he was apprehended on a charge of cutting off his negro man's ear, with a knife? Did not Mr Wickliffe defend John Williams as his lawyer before the justices of the peace who tried him? Was not John Williams declared guilty by the justices, and required to give bail to appear at the next circuit court, or go to jail? Was not John Williams afterwards indicted in the Fayette Circuit Court, for the offence, which is a felony at law? Did not Robert Wickliffe at the next session of the Legislature, he being a member from Fayette, procure, or cause to be procured, or assist in procuring a change of venue to Jessamine County for his said client? Was not John Williams discharged in the county of Jessamine from the said prosecution for a defect in the

indictment, without having had any trial on the merits of the case! These questions may be answered in the affirmative, and John Williams is now going at large, and never yet has been tried for that barbarous offence against the laws of God, man and humanity. Are the people of Fayette then to infer that Mr Wickliffe was governed in his opposition to the change of venue in the case of Isaac B. Desha, from political or constitutional principles; or rather from the same blind party fury, which induced him just before the last election to proclaim to them that if Gen Desha was elected, he would fill the public offices of the country with ragamuffins and vagabonds.

The Journals of the Legislature shew that the petition of John Williams was presented in the Senate by Gen Faulkner or Garrard or Lincoln. A bill was afterwards introduced in the Senate for a change of venue in the case of Williams by Mr. Roper of Fleming. It was read the first time, and the constitutional provision in relation to the second and third reading of the bill was dispensed with, and it passed the same day. It was reported to the house of representatives and there read the first time, and the constitutional provision in relation to the second and third reading of the bill was there dispensed with, and it passed in the same manner. The voice of Mr Wickliffe was not heard in opposition to it. Why the petition was not presented by one of the members from Fayette is a matter of conjecture. It received no opposition from them. We refer it to the people of Fayette to decide whether there was a necessity for a change of venue in the case of Williams. Was there any great excitement throughout the county? No. Had one tenth of the people of the county ever heard of the case? We think not. Was Williams known or ever heard of by as many as a fourth of the citizens of Fayette? We think not. These remarks are made not to shew that it is improper for the Legislature to grant a change of venue in any case. On the contrary we consider it their duty to do so, whenever a proper ground is made out. In civil suits in which a trifling amount of property is involved, a change of venue is easily obtained. Where life, liberty and character are concerned ought there not to be the same security for a fair trial?

At the same session three other acts for changes of venue, were passed, in favor of William Cornwell, charged with perjury and larceny, and Elijah Walton, charged with stabbing, and William Wells charged with forgery.

The general ground stated in the preamble of the acts are that it was represented to the General Assembly that a fair trial could not be had in the counties where the indictments were found, owing to prejudices, odium, and influence existing there. These bills passed, *sub silentio*, upon one reading, and a dispensation of the rules of the house, as a matter of course.

SUMPTER.

INFORMATION WANTED.

Any authentic information concerning "more shooting"—"more stabbing", or any other high crimes and misdemeanors committed in Kentucky, will be thankfully received by the Editors of the Reporter, Monitor, Commentator & Co. It being of the utmost importance to the public good, that our degraded and vicious situation should be fully exposed to our neighbours, and the rest of the world it is hoped that every public spirited citizen will exert himself in furnishing the desired facts as they occur. Should these pleasant affairs happen too seldom, or not so aggravated as is desirable, a few cases might be made, a proper degree of atrocity, and a proper colouring given to those which a naturally occur. As it is known that these crimes are solely attributable to the relief laws of the state, and as they are actuated by a laudable desire to expose these laws to the public indignation; and as it is necessary to blacken the moral character of the State to effect it, they must therefore throw themselves on the magnanimity of their fellow citizens to support them in this laudable undertaking.

Q IN THE CORNER.

PRICES OF PRODUCE AT LEXINGTON.

		SPECIE.
Bagging	per. yd	15 cts.
Bate rope	lb.	4 to 5
Bacon	do.	5
Lard	do.	4
Whiskey	gal.	15

DIE.—In this county on Monday the 24 ult. Mr. JOSEPH ALLEN, an old and respected citizen, in about his 60th year. His death was produced by what is supposed to have been a paralytic stroke, which terminated his existence in one hour.

On the 1st inst WILLIAM STONE Esq. a respected citizen of this county.

The Harmonic Society.

Will give their third public Concert, on Thursday the 10th inst. at Mrs. Keen's Ball room.

SIGN KEYS.
N. M. SIMPSON.

Has removed from Jordan Row and Water Street to the brick house formerly occupied by Wm. Wallingford, where he intends keeping Dupey's best Old Whiskey, by the Gall and Barrel, also all kinds of Imported Liquors.

His Table shall be furnished with the best the market affords. His Stable shall be furnished with all kinds of horse power. His Wagon Yard having been newly paved, renders it comfortable for Carriages and Wagons. N. B. All those having unsettled accounts with him are requested to come forward and settle; if neglected they will find their accounts in an officers hands.

Lex Feb 1st 1825—5-6

WHISKEY AND BACON WANTED.

5000 GALLONS WHISKEY and

5000 LBS BACON to be delivered

at JOHN STEELE'S Hat Store, Lexington Jan 21 1825—4-5

Botanic Garden.

PROPOSALS will be received for the following Work

To grub and plough about 7 acres of ground to pave about 60 square yards, with flat stones. To lay about 100 Cords of a stone fence. To put up a Board fence 7 feet high, around part of the ground. To Cart Tan bark and other objects by the day or the load. To procure and plant One Thousand young trees, shrubs and Vines from the woods. Apply to the Superintendent C. S. Rafinesque by letters left at Capt. Pike's or Thomas Smith's. N. B. The shareholders are notified to pay the instalments due on their shares to the Treasurer of the company.

Feb. 3 1825—5-11

FOR SALE;
TWO FINE JACKS, BOH approved nail getters. They can be seen at the Wood. For a small mill, waters of clear creek, at J. Cleveland's farm. If not sold by the 10th of march, they will be farmed out on good terms.

Apply to

JESSE DICKSON.

Woodford county Jan. 24 1825—4-3

Administratrix's Sale.

TO be sold on Thursday the third day of February next at the dwelling house of Mr. John Bryan on Short street Lexington, opposite Mr. Oliver Keen's house, the personal estate of Thomas Royle deceased consisting of a negro boy, a wool spinning Thistle, a weavers loom with fly shuttle, together with household and kitchen furniture. Three months credit will be given for all sums above five dollars, for which bond and security will be required; all sums under five dollars must be ready money.

63 yards of Cassin's etc will also be sold in addition. MARY ELIZABETH ROYLE Adm'x. Jan 20 1825—3-3

Public Sale.

WILL be sold to the highest bidder, on Saturday the 23d inst: at the dwelling house of the subscriber one mile South of Chillicothe, Tavern his stock of HORSES, CATTLE & SHEEP, amongst which is a first rate riding horse, a cart and OXEN equal to any in the country. Some Household and Kitchen Furniture, crop of CORN, FODDER and HAY, FARMING UTENSILS &c. The above property will be sold on a credit of nine months for Gold or Silver. Also will be sold without reserve, FIVE OR SIX LIKELY YOUNG NEGROES for cash in hand.

LINDSAY COLEMAN;

Fayette county Jan. 20, 1825—3-11



Murry Lodge, No. 35.

JANUARY 24 A. L. 5825. A. D. 1825. THE stated meetings of Murry Lodge No. 35 will be held between this and the quarterly meeting in May next, at the hour of 3 o'clock P. M. instead of the hour of 6 P. M. by order of the Lodge.

Att. H. GARRETT Sec'y

Lex. Jan 27 1825—4-3

LEXINGTON BREWERY.

THE subscriber informs the public, that he has employed Mr. BERNARD DUGN. Every way qualified for business, to superintend the brewing, and that it is a complete operation. He would be ready to supply the best PORTER BEER & ALE.

Farmers are requested to bring in what merchantable BARLEY they have now on hand, for which he will give 75 cents per bushel currency. And he will be ready to purchase any quantity of the same quality of the ensuing crop at that price. He has a quantity of SEED which he will supply to them at the same price.

WALTER CONNELL.

Lex. Jan 27 1825—4

\$150 REWARD.

WILL be given for apprehending and delivering to me in Frankfort,

BENJAMIN B. HARRIS, SHARON MOOSLANDER & WILLIAM PULASKY.

Three convicts, who escaped from the penitentiary on the morning of the 15th of this instant, or fifty dollars for each one.

HARRIS is about thirty-four years old, five feet six inches high, weighs about one hundred and thirty five pounds, black hair and eyes, the left eye crossed, dark skin, raised in Shenandoah county, Virginia, the two smallest fingers on the left hand cut off, a remarkable scar on the left arm, occasioned by a burn below the elbow.

SHARON MOOSLANDER, is a man about twenty-eight years old, weighs about one hundred and seventy five pounds, blue eyes, fair hair and complexion, born and raised in Philadelphia, blacksmith by profession, has served four years in the Ohio Penitentiary; he is about five feet eight inches high.

PULASKY is about five feet eight inches high, about thirty years old, dark hair and black eyes weighs about one hundred and sixty five pounds, large straight nose, the top of the left ear off, his parents living in Tennessee.

Printers throughout the United States who are disposed to suppress theft and robbery, will do well to give the above a few insertions in their respective papers.

WILLIAM HARDIN Keeper

of the Kentucky Penitentiary

Frankfort, Nov. 15, 1824—48-11

NEW GOODS.

ALEXANDER PARKER,

Has just received from Philadelphia, in addition to his former assortment,

9-8, 10-4, and 11-4 Rose Blankets; 3-1-2 Point do; Worsted and Cotton Hose, assorted; Tartan Plaid; Cotton flannels, assorted;

Local sugar, and the best St Domingo Coffee. Also expected shortly, a large assortment of MORGAN COFFERS, &c. which will make his assortment very good for the season. Among which are an excellent assortment of blue and Black CLOTHING, and flannel Cloths, which were purchased without any of the late additional Tariff duties on them, and which will be sold very low for cash.

Lex. Jan 23 1825

